

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-070519

07/25/2008

HON. HARRIETT CHAVEZ

CLERK OF THE COURT
MARIAN K. SMITH
Deputy

ATLAS 0003804787-03 (IV-D CASE)
IN RE THE MATTER OF
NYA (SOLIVEN) JOHNSON

CRAIGHTON T BOATES

AND

GARETT R SOLIVEN

GARETT R SOLIVEN
10026 N 66 AVENUE
GLENDALE AZ 85302

AG-CHILD SUPPORT-NORTH
CENTRAL OFFICE
COMM. MENDEZ
MCSO-SIMS
DOCKET-NW
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 124 – Northwest Regional Center

10:35 a.m. This is the time set for an Evidentiary Hearing regarding Mother's Petition (filed May 9, 2008) to Enforce/Modify Child Support. Petitioner/Mother is present with counsel, Craighton Boates. Respondent/Father is present on his own behalf. The State of Arizona is represented by Assistant Attorney General, Janet Evans, who appears telephonically.

An electronic record of this proceeding is made by the JAVS system in lieu of a court reporter.

Petitioner's exhibit numbers 1 through 8 are marked for identification.

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Mr. Boates relates that Respondent has not complied with the Court's order to provide copies of his tax returns.

Mr. Soliven reads a prepared statement into the record.

LET THE RECORD REFLECT that Respondent has brought with him the original bank statements from his business account. Respondent states he did not have the funds to make copies of his financial records for Mr. Boates and Ms. Evans.

The following persons are sworn: Nya Johnson, Garrett Soliven and Kindrea Soliven.

Nya Johnson testifies.

Exhibits #1, #2, #3, #4 and #6 are offered by Mr. Boates and received in evidence.

The witness steps down.

Garrett Soliven testifies.

Petitioner's exhibit #9 is marked for identification.

Exhibit #7 is offered by Mr. Boates and received in evidence.

Exhibit #8 is offered by Mr. Boates and received in evidence.

Exhibit #9 is offered by Mr. Boates and received in evidence.

Garrett Soliven testifies in the narrative on his own behalf.

Closing statements are presented by Mr. Boates, Ms. Evans and Mr. Soliven.

Ms. Evans relates that the State has prepared a Child Support Worksheet reflecting that Respondent is capable of paying \$618.74 per month.

Based on the testimony and evidence presented,

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THE COURT FINDS that there was a valid child support order in place and Respondent was aware of the order and had the ability to pay and has willfully failed to pay.

THE COURT FURTHER FINDS that Respondent is in contempt for failure to pay child support. Respondent may purge himself of contempt by paying \$3,000 in cash and becoming and remaining current with his child support payments, including the payment on arrears.

THE COURT FURTHER FINDS that Respondent owes child support arrears in through June 30, 2008, in the amount of \$11,032.94 (principal), plus interest through May 31, 2008, in the amount of \$2,010.48, for a total of \$13,043.42.

THE COURT FINDS that has failed to provide health insurance for the minor child as ordered in the parties' Decree, and that Mother has been paying for same.

THE COURT FURTHER FINDS that Father has failed to reimburse Mother his 63% proportionate share of non-covered medical expenses for the minor child.

THE COURT FURTHER FINDS that Father is in contempt for failure to provide medical insurance and for failure to reimburse Mother his proportionate share of non-covered medical expenses.

IT IS ORDERED that Garrett Soliven is remanded to the deputy sheriff and shall be incarcerated in the Maricopa County Jail for an indefinite period beginning this date, not to be released until and unless a cash purge of \$3,000 is paid.

IT IS FURTHER ORDERED that Garrett Soliven shall be eligible for the Work Release Program on Monday through Friday from 7:00 a.m. to 7:00 p.m.

ISSUED: Order of Confinement

JUDGMENTS ENTERED

IT IS ORDERED entering judgment against Garrett Soliven and in favor of Nya Johnson in the sum of \$13,043.42 for child support arrears through June 30, 2008, and interest thereon through May 31, 2008.

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IT IS FURTHER ORDERED entering judgment against Garrett Soliven and in favor of Nya Johnson in the sum of \$5,373.00 for health insurance premiums in the amount of \$3,703 and 63% of non-covered medical expenses in the amount of \$1,670.

IT IS ORDERED referring this matter to the IV-D Noncompliance Calendar and setting a hearing before Commissioner Mendez on **WEDNESDAY, AUGUST 27, 2008, at 10:30 a.m.** at the Northeast Regional Court Facility, 18380 North 40th Street, Phoenix, AZ 85032.

WARNING: Failure of Garrett Soliven to appear may result in another finding of contempt and the issuance of a Child Support Arrest Warrant.

MODIFICATION OF CHILD SUPPORT

IT IS ORDERED that Father's child support, effective June 1, 2008, shall be \$510.67 per month (current support), plus an additional \$100.00 per month toward arrears. As Father is presently unemployed, he shall be responsible for making his payments directly to the Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072.

ATTORNEY FEES

IT IS ORDERED granting Mother her attorney fees for bringing this contempt proceeding before the Court. Counsel is directed to submit an affidavit and application for same.

12:12 p.m. Hearing concludes.

LATER: LET THE RECORD REFLECT that the \$3,000 purge was paid this date, and Garrett Soliven was released from custody.

FILED: Purge Payment Receipt #00010119710

The requirements of Rule 58(d) are hereby waived, and this minute entry is signed as a formal written order of the Court.

July 30, 2008

/ s / Harriett Chavez

Date

HONORABLE HARRIETT CHAVEZ
Judge of the Superior Court